

**2006 Proposed Administrative Rules for Wildlife**  
***Includes Changes Affecting: Urban Deer Zones, Squirrel Hunting, Rabbit Hunting, Wild Turkey Hunting, Names of Reptiles and Amphibians, and Game Breeder Licenses***

The proposed changes are summarized as follows:

- 1) 312 IAC 9-1-9.6: Adds a definition of "immediate family" for clarification of the intent of the new administrative rule in 312 IAC 9-2-14 that was given final adoption by the Natural Resources Commission earlier this year for the clarification of hunting, fishing and trapping license exemptions for land owned by corporations and partnerships.
- 2) 312 IAC 9-3-5: Clarifies the license types that can be used to take an extra deer under this section, including the youth license and lifetime license, and removes Madison from the list of urban deer zones. With the special deer hunts taking place in Clifty Falls State Park and increased number of antlerless deer that can be taken in Jefferson County, there is no longer a need for Madison to be listed as an urban deer zone.
- 3) 312 IAC 9-3-16: Extends the season for taking rabbits statewide, except for the DNR properties listed, from January 31 to February 15. These two additional weeks would provide additional hunting opportunities and not be likely to affect rabbit populations due to the extremely high reproductive potential of eastern cottontail rabbits. The proposed changes also list the DNR properties, in alphabetical order, where rabbit hunting can take place from October 1 through December 31. All fish and wildlife areas and reservoirs would be included except for Goose Pond.
- 4) 312 IAC 9-3-17: Extends the season for taking gray squirrels and fox squirrels to January 31 statewide. The current season for taking squirrels north of U.S. 40 is December 31, so this extension would make the season the same statewide and provide additional hunting opportunities.
- 5) 312 IAC 9-4-11: Removes Big Oaks National Wildlife Refuge from the locations where special spring and fall seasons can take place, thereby only allowing Atterbury Reserve Training Center the ability to have a turkey season outside the normal season dates to prevent interference with military training exercises. The proposed changes would also allow spring turkey hunting statewide with the exception of Henry county; the population of wild turkeys in Henry county is not yet large enough to withstand hunting pressure. Also included in this rule package is a proposal to establish a special youth turkey hunting season. The youth turkey season would take place the weekend before the start of the spring season and allow youth hunters less than 16 years of age, who are accompanied by an adult, to take a bearded (male) wild turkey. If a turkey is taken during this special youth season, the youth hunter would not be able to take an additional turkey in the spring season in the same year.
- 6) 312 IAC 9-5-2, 312 IAC 9-5-4, 312 IAC 9-5-7, 312 IAC 9-5-9: Updates the scientific and common names of several native species of turtles, snakes and frogs for consistency with the Society for the Study of Amphibians and Reptiles and American Society of Ichthyologists and Herpetologists. With new research being conducted on reptiles and amphibians and DNA analysis now available, scientists are making changes to the names of reptiles and amphibians and the DNR is attempting to be consistent with these changes.
- 7) 312 IAC 9-10-4: Adds a provision to the game breeder license to require an eight (8) foot perimeter fence for white-tailed deer, clarify the inventory requirements for species possessed under a game breeder license, and state the expiration date of the license, date for renewing a license, and the date for submitting the annual report. The eight (8) foot fence requirement is currently in regulations for cervids administered

by the Board of Animal Health (345 IAC 2-7-3) and is required for all existing game breeders possessing white-tailed deer. The license already has an expiration date of December 31, as stated on the license itself, and the annual report form is already due February 15 of each year. These changes are needed for clarification of the law and for law enforcement purposes.

The actual administrative rule language showing the changes is as follows (bold print is new language):

## **TITLE 312 NATURAL RESOURCES COMMISSION**

### **Proposed Rule** LSA Document #06-

Amends 312 IAC 9 that governs the management of fish and wildlife. Includes new and amended sections pertaining to the following: hunting deer by bow and arrows; cottontail rabbits; squirrels; wild turkeys; taking turtles; endangered species of reptiles and amphibians; reptiles and amphibians native to Indiana; reptile captive breeding license; and, game breeder license. Effective 30 days after filing with the secretary of state.

#### **312 IAC 9-1-9.6**

#### **312 IAC 9-3-5**

#### **312 IAC 9-3-16**

#### **312 IAC 9-3-17**

#### **312 IAC 9-4-11**

#### **312 IAC 9-5-2**

#### **312 IAC 9-5-4**

#### **312 IAC 9-5-7**

#### **312 IAC 9-5-9**

#### **312 IAC 9-10-4**

SECTION 1. 312 IAC 9-1-9.6 IS ADDED TO READ AS FOLLOWS:

#### **312 IAC 9-1-9.6 "Immediate Family" defined**

**Authority:** IC 14-22-2-6; IC 14-22-11-1

**Affected:** IC 14-22

**Sec. 9.6 "Immediate Family" means a husband, wife, son or daughter.** (*Natural Resources Commission; 312 IAC 9-1-9.6.*)

SECTION 2. 312 IAC 9-3-5 IS AMENDED TO READ AS FOLLOWS:

#### **312 IAC 9-3-5 Hunting deer by bow and arrows by authority of an extra deer license**

**Authority:** IC 14-22-2-6

**Affected:** IC 14-22-11-1; IC 14-22-12-1

**Sec. 5. (a)** This section is supplemental to section 2 of this rule and governs the activities of an individual who is either:

- (1) issued a license to take an extra deer under IC 14-22-12-1(18), ~~or IC 14-22-12-1(19), IC 14-22-12-1(24), or IC 14-22-12-7~~ by means of a bow and arrows; or  
(2) hunting under IC 14-22-11-1 ~~with an extra deer license~~ by means of a bow and arrows.

(b) Except as specified in subsection (d), the statewide seasonal limit for hunting under this section is one (1) deer of either sex. After August 31, 2007, a person must not take an antlered deer by means of a crossbow.

(c) The restrictions contained in section 4(b) and 4(e) through 4(i) of this rule also apply to a license issued under this section.

(d) The seasonal limit for hunting deer in an urban deer zone is four (4) deer of which only one (1) may be antlered. A person must possess a valid extra deer license for each deer taken. A deer taken under this subsection does not count against a bag limit for deer set elsewhere in this rule.

(e) The following areas have been designated as urban deer zones:

(1) The Indianapolis urban deer zone includes the following:

(A) All of Marion County.

(B) That portion of Hendricks County east of State Highway 267.

(C) The southeast portion of Boone County as bounded by the following:

(i) State Highway 267.

(ii) Interstate Highway 65.

(iii) State Highway 32.

(D) That portion of Hamilton County south of State Highway 32.

(2) The Fort Wayne urban deer zone includes that portion of Allen County lying within the bounds of Interstate Highway 69 and State Highway 469.

(3) The Evansville urban deer zone includes all of Vanderburgh County.

(4) The Lafayette urban deer zone includes the portion of Tippecanoe County north of State Highway 28.

(5) The Gary urban deer zone includes that portion of Lake County north of U.S. Highway 30.

(6) The Crown Point urban deer zone includes that portion of Lake County within the corporate limits of Crown Point.

(7) The Chesterton urban deer zone includes the portion of Porter County north of U.S. Highway

94.

(8) The Michigan City urban deer zone includes that portion of LaPorte County north of U.S. Highway 94.

~~(9) The Madison urban deer zone includes that portion of Jefferson County bounded on the following:~~

~~(A) East by U.S. Highway 421.~~

~~(B) North and west by State Highway 62.~~

~~(C) South by State Highway 56.~~

*(Natural Resources Commission; 312 IAC 9-3-5; filed May 12, 1997, 10:00 a.m.: 20 IR 2704; filed Nov 5, 1997, 3:25 p.m.: 21 IR 931; filed May 28, 1998, 5:14 p.m.: 21 IR 3713; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1531; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed May 25, 2005, 10:15 a.m.: 28 IR 2945)*

SECTION 3. 312 IAC 9-3-16 IS AMENDED TO READ AS FOLLOWS:

### **312 IAC 9-3-16 Cottontail rabbits**

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 16. (a) Except as provided in subsection (c), the season for taking and possessing cottontail rabbits is from the first Friday of November after November 3 through ~~January 31~~ **February 15** of the following year.

(b) The daily bag limit is five (5) cottontail rabbits.

(c) The season for taking and possessing cottontail rabbits within the boundaries of:

(1) **the following state fish and wildlife areas:**

- (A) Atterbury,
- (B) **Blue Grass,**
- (C) Brush Creek,
- (D) **Chinook,**
- (E) Crosley,
- (F) **Fairbanks Landing,**
- (G) Glendale,
- (H) **Hillenbrand,**
- (I) **Hovey Lake,**
- (J) Jasper-Pulaski,
- (K) **Kankakee,**
- (L) Kingsbury,
- (M) LaSalle,
- (N) **Minnehaha,**
- (O) **Splinter Ridge,**
- (P) Sugar Ridge,
- (Q) Pigeon River,
- (R) Tri-County,
- (S) Wilbur Wright,
- ~~Minnehaha, Hillenbrand, and~~
- (T) Willow Slough;
- (U) ~~Winamac Fish and Wildlife Areas;~~ and

(2) ~~Winamac Fish and Wildlife Areas;~~ **the following other properties managed by the department: (3)**

- (A) Salamonie,
- (B) ~~Huntington~~ **J. Edward Roush,**
- (C) Mississinewa,
- (D) Brookville,
- (E) Hardy,
- (F) Monroe, and
- (G) ~~Patoka Lakes;~~

is from October 1 through January 31 of the following year.

(d) It is unlawful for a person to hunt rabbits unless that person wears hunter orange.

(e) It is unlawful to remove, dislodge, or attempt to remove or dislodge a rabbit from a hole, den, cavity, or tree hollow with the aid of a ferret or other small animal, mechanical device, chemical, smoke, fire, or fume. (*Natural Resources Commission; 312IAC 9-3-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

SECTION 4. 312 IAC 9-3-17 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 9-3-17 Squirrels

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 17. (a) The season for hunting and possessing gray squirrels and fox squirrels is as follows:

~~(1) From August 15 through December 31 north of U.S. 40.~~

~~(2) From from August 15 through January 31 of the following year south of U.S. 40.~~

(b) The daily bag limit is five (5) squirrels.

(c) Unless hunting from a boat, a person must not hunt squirrels after the first Friday of November after November 3 through January 31 of the following year unless that person wears hunter orange.

(d) A person must not shoot into or to otherwise disturb the leaf nest or den of a squirrel.

(e) A person must not hunt or possess a flying squirrel except as otherwise provided by this article.

*(Natural Resources Commission; 312 IAC 9-3-17; filed May 12, 1997, 10:00 a.m.: 20 IR 2707; filed Nov 13, 1997, 12:09 p.m.: 21 IR 1272; filed May 28, 1998, 5:14 p.m.: 21 IR 3714; errata filed Aug 25, 1998, 3:02 p.m.: 22 IR 125; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 540)*

SECTION 5. 312 IAC 9-4-11 IS AMENDED TO READ AS FOLLOWS:

### 312 IAC 9-4-11 Wild turkeys

Authority: IC 14-22-2-6

Affected: IC 14-22-11-1; IC 14-22-11-11

Sec. 11. (a) Except as provided in subsection (c), the spring season for hunting and possessing wild turkeys:

(1) is from the first Wednesday after April 20; and

(2) continues for an additional eighteen (18) consecutive days.

(b) The fall season for hunting and possessing wild turkeys with a bow and arrows:

(1) is from October 1 to the end of the fall turkey season with firearms, which begins on the first Wednesday after October 14; and

(2) continues for an additional four (4) consecutive days;

except as provided in subsection (c).

(c) The spring and fall seasons for hunting and possessing wild turkeys on

~~(1) Camp Atterbury; and~~

~~(2) the Big Oaks National Wildlife Refuge;~~

shall be determined by the director on an annual basis **to prevent interference with military training exercises.**

(d) The limit for taking and possessing is one (1):

(1) bearded or male wild turkey during the spring season; and

(2) wild turkey of either sex during the fall season.

(e) A person must not hunt wild turkeys except between one-half (½) hour before sunrise and sunset.

(f) A person must not take a wild turkey except with the use of one (1) of the following:

(1) A shotgun or muzzle loading shotgun:

(A) not smaller than 20 gauge; and

(B) not larger than 10 gauge;

loaded only with shot of size 4, 5, 6, 7, or 7½.

(2) A bow and arrows, including crossbows as defined in 312 IAC 9-3-4(j), with the following restrictions:

(A) A person must not use a:

(i) long bow; or

(ii) compound bow;

of less than thirty-five (35) pounds pull.

(B) Arrows must be equipped with metal or metal-edged (or flint, chert, or obsidian napped) broadheads.

(C) A person must not use a:

(i) crossbow of less than one hundred twenty-five (125) pounds pull;

(ii) crossbow unless it has a mechanical safety; or

(iii) poisoned or explosive arrow.

(D) No portion of a bow's riser (handle) or:

(i) track;

(ii) trough;

(iii) channel;

(iv) arrow rest; or

(v) other device;

that attaches to the bow's riser shall contact, support, or guide the arrow from a point rearward of the bow's brace height.

(E) Before or after lawful shooting hours, a person must not possess a:

(i) long bow;

(ii) compound bow; or

(iii) crossbow;

in the field if the nock of the arrow is placed on the bow string.

(g) A person must not hunt wild turkeys in the fall season except in a county the director designates on an annual basis by ~~emergency temporary~~ rule or in the spring season in ~~the following counties:~~ **Henry county.**

~~(1) Adams, south of State Road 124.~~

~~(2) Blackford.~~

~~(3) Delaware.~~

~~(4) Grant, east of Interstate 69.~~

~~(5) Hancock, east of State Road 9.~~

~~(6) Henry.~~

~~(7) Huntington:~~

~~(A) south of State Road 124; and~~

~~(B) east of Interstate 69.~~

~~(8) Jasper:~~

~~(A) south of State Highway 114; and~~

~~(B) west of Interstate 65.~~

~~(9) Jay.~~

~~(10) Newton, south of State Highway 114.~~

~~(11) Randolph, north of State Road 32.~~

~~(12) Rush, north of State Road 44.~~

~~(13) Shelby.~~

- ~~(A) east of State Road 9; and~~
- ~~(B) north of State Road 44.~~
- ~~(14) Wells, south of State Road 124.~~
- ~~(15) Whitley, south of U.S. 30.~~

**(h) The special youth season for hunting wild turkeys under this subsection is two (2) consecutive days beginning on the Saturday immediately before the start of the spring turkey season in subsection (a).**

**As used in this subsection, “youth” means an individual who is less than sixteen (16) years of age on the date of the hunt. A youth who hunts a wild turkey under this section must be accompanied by an adult who is at least eighteen (18) years of age. An adult accompanying a youth hunter must not possess a firearm, bow and arrow, or crossbow while in the field. The seasonal limit for hunting turkeys under this subsection is one (1) bearded or male wild turkey. A youth hunter who takes a turkey under this subsection must not take another turkey during the spring turkey season in the same year.**

~~(h)~~ **(i) The use of:**

- (1) a dog;
- (2) another domesticated animal;
- (3) a live decoy;
- (4) a recorded call;
- (5) an electronically powered or controlled decoy; or
- (6) bait;

to take a wild turkey is prohibited. An area is considered baited for ten (10) days after the removal of the bait, but an area is not considered to be baited that is attractive to wild turkeys resulting from normal agricultural practices.

~~(i)~~ **(j) A person must not possess a handgun while hunting wild turkeys.**

~~(j)~~ **(k) Except as provided under IC 14-22-11-1 and IC 14-22-11-11, a person must not hunt:**

- (1) wild turkeys unless possessing a completed and signed license bearing the person’s name; or
- (2) with a wild turkey license issued to another person.

~~(k)~~ **(l) A piece of paper must, immediately after taking a wild turkey:**

- (1) be attached to a leg of the turkey directly above the spur and
- (2) state the:

- (A) name and address of the person;
- (B) license number (if applicable);
- (C) date; and
- (D) sex;

of the wild turkey taken.

~~(l)~~ **(m) A person who takes a turkey must do the following:**

- (1) Cause delivery of the turkey to an official turkey checking station within forty-eight (48) hours of taking for registration. After the checking station operator:

- (A) records the permanent seal number on the log; and
- (B) collects the piece of paper described in subsection (k);

the person is provided with that seal.

- (2) Immediately and firmly affix the seal to the leg of the turkey as follows:

(A) Directly above the piece of paper described in subsection (k) for a turkey taken during the spring season.

(B) Through a section of skin or flesh to prevent its removal (without cutting the seal or the body part to which it is affixed) for a turkey taken in the fall season.

The permanent seal must remain affixed until processing of the turkey begins. The official turkey checking station operator shall accurately and legibly complete all forms provided by the department and make those forms available to department personnel on request.

~~(m)~~ (n) The feathers and beard of a wild turkey must remain attached while the wild turkey is in transit from the site where taken. (*Natural Resources Commission; 312 IAC 9-4-11; filed May 12, 1997, 10:00 a.m.: 20 IR 2710; filed May 28, 1998, 5:14 p.m.: 21 IR 3715; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1533; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 541; filed May 25, 2005, 10:15 a.m.: 28 IR 2946*)

#### SECTION 6. 312 IAC 9-5-2 IS AMENDED TO READ AS FOLLOWS:

##### **312 IAC 9-5-2 Taking turtles**

Authority: IC 14-22-2-6; IC 14-22-34-17

Affected: IC 14-22-11-1; IC 14-22-11-8; IC 14-22-12-1

Sec. 2. (a) The following species of turtles, and no others, may be taken under this section:

- (1) ~~Common~~ Eastern snapping turtle (*Chelydra serpentina serpentina*).
- (2) Smooth softshell turtle (*Apalone mutica*).
- (3) Spiny softshell turtle (*Apalone spinifera*).

(b) The season for taking turtles is unlimited.

(c) The daily bag limit is twenty-five (25) turtles.

(d) A person must not take a turtle except by:

- (1) a trap, a net, or other mechanical device which has no opening below the surface of the water;
- (2) hands;
- (3) a gaff; or
- (4) any method provided by statute or by 312 IAC 9-7 for sport fishing.

(e) Except as provided under IC 14-22-11-1, a resident must possess a hunting license or a fishing license issued under IC 14-22-11-8 to take a turtle. A nonresident must possess a nonresident yearly license to hunt under IC 14-22-12-1(6).

(*Natural Resources Commission; 312 IAC 9-5-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3672; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286*)

#### SECTION 7. 312 IAC 9-5-4 IS AMENDED TO READ AS FOLLOWS:

##### **312 IAC 9-5-4 Endangered and threatened species; reptiles and amphibians**

Authority: IC 14-22-2-6; IC 14-22-34-17

Affected: IC 14-22-34-12

Sec. 4. The following species of reptiles and amphibians are threatened or endangered and are subject to the protections provided under IC 14-22-34-12:

- (1) Hellbender (*Cryptobranchus alleganiensis*).
- (2) Red salamander (*Pseudotriton ruber*).

- (3) Four-toed salamander (*Hemidactylium scutatum*).
- (4) Green salamander (*Aneides aeneus*).
- (5) Copperbelly watersnake (*Nerodia erythrogaster*).
- (6) Butler's gartersnake (*Thamnophis butleri*).
- (7) Kirtland's snake (*Clonophis kirtlandii*).
- (8) Scarlet-snake (*Cemophora coccinea*).
- (9) Smooth green-snake (~~*Liochlorophis*~~ ***Opheodrys*** *vernalis*).
- (10) Southeastern crowned snake (*Tantilla coronata*).
- (11) Cottonmouth (*Agkistrodon piscivorus*).
- (12) Massasauga (*Sistrurus catenatus*).
- (13) Timber rattlesnake (*Crotalus horridus*).
- (14) Eastern mud turtle (*Kinosternon subrubrum*).
- (15) Spotted turtle (*Clemmys guttata*).
- (16) Hieroglyphic river cooter (*Pseudemys concinna*).
- (17) Alligator snapping turtle (*Macrochelys* ~~*temminckii*~~ ***temminckii***).
- (18) Blanding's turtle (*Emydoidea blandingii*).
- (19) Crawfish frog (*Rana areolata*).
- (20) Ornate box turtle (*Terrapene ornata*).

(*Natural Resources Commission; 312 IAC 9-5-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2713; filed May 16, 2002, 12:25 p.m.: 25 IR 3047; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 542*)

SECTION 8. 312 IAC 9-5-7 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-5-7 Sale and transport for sale of reptiles and amphibians native to Indiana**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 14-22; IC 20-1-1-6; IC 20-1-1.6-2

Sec. 7. (a) This section governs the sale, transport for sale, or offer for sale or transport for sale of any reptile or amphibian native to Indiana regardless of place of origin.

(b) Except as otherwise provided in this section and in section 6(g) of this rule, the sale, transport for sale, or offer to sell or transport for sale of a reptile or amphibian native to Indiana is prohibited. A person must not sell a turtle, regardless of species or origin, with a carapace less than four (4) inches long, except for a valid scientific or educational purpose that is associated with one (1) of the following:

- (1) A federal, state, county, city, or similar governmental agency that is engaged in scientific study or research.
- (2) A scientific research organization.
- (3) An accredited museum or institution of higher learning.
- (4) An individual working in cooperation with a:
  - (A) college;
  - (B) university; or
  - (C) governmental agency.
- (5) A private company under a contract for scientific or educational purposes.

(c) As used in this rule, "reptile or amphibian native to Indiana" means those reptiles and amphibians with the following scientific names, including common names for public convenience, but the scientific names control:

- (1) Hellbender (*Cryptobranchus alleganiensis*).
- (2) Common mudpuppy (*Necturus maculosus*).
- (3) Streamside salamander (*Ambystoma barbouri*).

- (4) Jefferson salamander (*Ambystoma jeffersonianum*).
- (5) Blue-spotted salamander (*Ambystoma laterale*).
- (6) Spotted salamander (*Ambystoma maculatum*).
- (7) Marbled salamander (*Ambystoma opacum*).
- (8) Mole salamander (*Ambystoma talpoideum*).
- (9) Smallmouth salamander (*Ambystoma texanum*).
- (10) Eastern tiger salamander (*Ambystoma tigrinum tigrinum*).
- (11) Eastern newt (*Notophthalmus viridescens*).
- (12) Green salamander (*Aneides aeneus*).
- (13) Northern dusky salamander (*Desmognathus fuscus*).
- (14) Southern two-lined salamander (*Eurycea cirrigera*).
- (15) Longtailed salamander (*Eurycea longicauda*).
- (16) Cave salamander (*Eurycea lucifuga*).
- (17) Four-toed salamander (*Hemidactylium scutatum*).
- (18) Northern redback salamander (*Plethodon cinereus*).
- (19) Northern zigzag salamander (*Plethodon dorsalis*).
- (20) Northern ravine salamander (*Plethodon electromorphus*).
- (21) Northern slimy salamander (*Plethodon glutinosus*).
- (22) Red salamander (*Pseudotriton ruber*).
- (23) Lesser siren (*Siren intermedia*).
- (24) Eastern spadefoot toad (*Scaphiopus holbrookii*).
- (25) American toad (*Bufo americanus*).
- (26) Fowler's toad (*Bufo fowleri*).
- (27) **Northern** cricket frog (*Acris crepitans*).
- (28) Cope's gray treefrog (*Hyla chrysoscelis*).
- (29) Green treefrog (*Hyla cinerea*).
- (30) Eastern gray treefrog (*Hyla versicolor*).
- (31) Spring peeper (*Pseudacris crucifer*).
- (32) **Southeastern chorus frog (*Pseudacris feriarum*)**.
- (33) Western chorus frog (*Pseudacris triseriata*).
- ~~(33)~~ (34) Crawfish frog (*Rana areolata*).
- ~~(34)~~ (35) Plains leopard frog (*Rana blairi*).
- ~~(35)~~ (36) Bullfrog (*Rana catesbeiana*).
- ~~(36)~~ (37) Green frog (*Rana clamitans*).
- ~~(37)~~ (38) Northern leopard frog (*Rana pipiens*).
- ~~(38)~~ (39) Pickerel frog (*Rana palustris*).
- ~~(39)~~ (40) Southern leopard frog (*Rana utricularia*).
- ~~(40)~~ (41) Wood frog (*Rana sylvatica*).
- ~~(41)~~ (42) **Common Eastern** snapping turtle (*Chelydra serpentina serpentina*).
- ~~(42)~~ (43) Smooth softshell turtle (*Apalone mutica*).
- ~~(43)~~ (44) Spiny softshell turtle (*Apalone spinifera*).
- ~~(44)~~ (45) Alligator snapping turtle (*Macrochelys temminckii*).
- ~~(45)~~ (46) Eastern mud turtle (*Kinosternon subrubrum*).
- ~~(46)~~ (47) ~~Common musk turtle~~ **Stinkpot** (*Sternotherus odoratus*).
- ~~(47)~~ (48) Midland painted turtle (*Chrysemys picta marginata*).
- ~~(48)~~ (49) Western painted turtle (*Chrysemys picta bellii*).
- ~~(49)~~ (50) Spotted turtle (*Clemmys guttata*).
- ~~(50)~~ (51) Blanding's turtle (*Emydoidea blandingii*).
- ~~(51)~~ (52) Common map turtle (*Graptemys geographica*).
- ~~(52)~~ (53) False map turtle (*Graptemys pseudogeographica*).

- ~~(53)~~ **(54)** Ouachita map turtle (*Graptemys ouachitensis*).  
~~(54)~~ **(55)** Hieroglyphic river cooter (*Pseudemys concinna*).  
~~(55)~~ **(56)** Eastern box turtle (*Terrapene carolina*).  
~~(56)~~ **(57)** Ornate box turtle (*Terrapene ornata*).  
~~(57)~~ **(58)** Red-eared slider (*Trachemys scripta elegans*).  
~~(58)~~ **(59)** Eastern fence lizard (*Sceloporus undulatus*).  
~~(59)~~ **(60)** Slender glass lizard (*Ophisaurus attenuatus*).  
~~(60)~~ **(61)** Six-lined racerunner (*Cnemidophorus sexlineatus*).  
~~(61)~~ **(62)** Five-lined skink (*Eumeces fasciatus*).  
~~(62)~~ **(63)** Broadhead skink (*Eumeces laticeps*).  
~~(63)~~ **(64)** Ground skink (*Scincella lateralis*).  
~~(64)~~ **(65)** Eastern wormsnake (*Carphophis amoenus*).  
~~(65)~~ **(66)** Scarletsnake (*Cemophora coccinea*).  
~~(66)~~ **(67)** Racer (*Coluber constrictor*).  
~~(67)~~ **(68)** Kirtland's snake (*Clonophis kirtlandii*).  
~~(68)~~ **(69)** Ringneck snake (*Diadophis punctatus*).  
~~(69)~~ **(70)** Midland ratsnake, also known as the black rat snake (*Elaphe spiloides*).  
~~(70)~~ **(71)** Western ratsnake (*Elaphe obsoleta*).  
~~(71)~~ **(72)** Western foxsnake (*Elaphe vulpina vulpina*).  
~~(72)~~ **(73)** Mud snake (*Farancia abacura*).  
~~(73)~~ **(74)** Eastern hognose snake (*Heterodon platirhinos*).  
~~(74)~~ **(75)** Prairie kingsnake (*Lampropeltis calligaster calligaster*).  
~~(75)~~ **(76)** Black kingsnake (*Lampropeltis getula nigra*).  
~~(76)~~ **(77)** Eastern milksnake (*Lampropeltis triangulum triangulum*).  
~~(77)~~ **(78)** Red milksnake (*Lampropeltis triangulum sypila*).  
~~(78)~~ **(79)** Copperbelly watersnake (*Nerodia erythrogaster neglecta*).  
~~(79)~~ **(80)** Diamondback watersnake (*Nerodia rhombifer*).  
~~(80)~~ **(81)** Northern watersnake (*Nerodia sipedon*).  
~~(81)~~ **(82)** Rough greensnake (*Opheodrys aestivus*).  
~~(82)~~ **(83)** Smooth green-snake (*Liochlorophis Opheodrys vernalis*).  
~~(83)~~ **(84)** Bullsnae (*Pituophis catenifer sayi*).  
~~(84)~~ **(85)** Queen snake (*Regina septemvittata*).  
~~(85)~~ **(86)** Brown snake (*Storeria dekayi*).  
~~(86)~~ **(87)** Red-belly Red-bellied snake (*Storeria occipitomaculata*).  
~~(87)~~ **(88)** Southeastern crowned snake (*Tantilla coronata*).  
~~(88)~~ **(89)** Butler's gartersnake (*Thamnophis butleri*).  
~~(89)~~ **(90)** Western ribbonsnake (*Thamnophis proximus*).  
~~(90)~~ **(91)** Plains gartersnake (*Thamnophis radix*).  
~~(91)~~ **(92)** Eastern ribbonsnake (*Thamnophis sauritus*).  
~~(92)~~ **(93)** Common gartersnake (*Thamnophis sirtalis*).  
~~(93)~~ **(94)** Smooth earthsnake (*Virginia valeriae*).  
~~(94)~~ **(95)** Northern copperhead (*Agkistrodon contortrix*).  
~~(95)~~ **(96)** Cottonmouth moccasin (*Agkistrodon piscivorus*).  
~~(96)~~ **(97)** Timber rattlesnake (*Crotalus horridus*).  
~~(97)~~ **(98)** Eastern massasauga (*Sistrurus catenatus*).

(d) As used in this section, "sale" means either of the following:

- (1) Barter, purchase, trade, or offer to sell, barter, purchase, or trade.
- (2) Serving as part of a meal by a restaurant, a hotel, a boarding house, or the keeper of an eating house. However, a hotel, a boarding house, or the keeper of an eating house may prepare and serve during open season to:

- (A) a guest, patron, or boarder; and
  - (B) the family of the guest, patron, or boarder;
- a reptile or amphibian legally taken by the guest, patron, or boarder during the open season.

(e) As used in this section, “transport” means to move, carry, or ship a wild animal protected by law by any means and for any common or contract carrier knowingly to move, carry, or receive for shipment a wild animal protected by law.

(f) A reptile or amphibian that is not on a state or federal endangered or threatened species list and with a color morphology that is:

- (1) albinistic (an animal lacking brown or black pigment);
- (2) leucistic (a predominately white animal); or
- (3) xanthic (a predominately yellow animal);

is exempted from this section if it was not collected from the wild.

(g) Exempted from this section is an institution governed by, and in compliance with, the Animal Welfare Act (7 U.S.C. 2131, et seq.) and 9 CFR 2.30 through 9 CFR 2.38 (January 1, 1998 edition). To qualify for the exemption, the institution must have an active Assurance of Compliance on file with the Office for the Protection of Risk, U.S. Department of Health and Human Services.

(h) Exempted from this section is a sale made under a reptile captive breeding license governed by section 9 of this rule.

(i) Exempted from this section is the sale to and purchase of reptiles or amphibians by a public school accredited under IC 20-1-1-6(a)(5) or nonpublic school accredited under IC 20-1-1-6(a)(9) and IC 20-1-1-6.2. This exemption does not authorize the sale of reptiles or amphibians by a public school or a nonpublic school.

(j) Exempted from this section is the sale and purchase of a bullfrog (*Rana catesbeiana*) tadpole or green frog (*Rana clamitans*) tadpole produced by a resident holder of a hauler and supplier permit or an aquaculture permit if the tadpole is a byproduct of a fish production operation. As used in this subsection, a “tadpole” means the larval life stage of a frog for the period in which the tail portion of the body is at least one (1) inch long.

(k) A person who is transporting native reptiles and amphibians in interstate commerce, to be sold outside Indiana, is exempted from this section. (*Natural Resources Commission; 312 IAC 9-5-7; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3673; errata filed Oct 26, 1999, 2:40 p.m.: 23 IR 589; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1535; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 543*)

#### SECTION 9. 312 IAC 9-5-9 IS AMENDED TO READ AS FOLLOWS:

##### **312 IAC 9-5-9 Reptile captive breeding license**

Authority: IC 14-22-2-6; IC 14-22-26-3; IC 14-22-34-17

Affected: IC 14-22

Sec. 9. (a) This section establishes the reptile captive breeding license and sets the requirements for a person who wishes to apply for and maintain the license.

(b) The application must be made on a department form.

(c) The annual fee for a license under this section is fifteen dollars (\$15).

(d) An application for a license under this section must be made within thirty (30) days of the effective date of this section for a reptile described in subsection (e) and possessed by the applicant before the effective date of this section. Any subsequent license application must be made within five (5) days after the applicant took possession of the first reptile described in subsection (e) and taken for captive breeding purposes.

(e) A reptile captive breeding license authorizes a person who holds the license to possess, breed, and sell the snakes listed in this section. In the following list, where both scientific names and common names are provided, common names are for public convenience, but the scientific names control:

- (1) Midland rat snake, also known as the black rat snake (*Elaphe spiloides*).
- (2) **Western ratsnake (*Elaphe obsoleta*)**.
- ~~(2)~~ (3) Western fox snake (*Elaphe vulpina*).
- ~~(3)~~ (4) Eastern hognose snake (*Heterodon platirhinos*).
- (4) (5) Prairie kingsnake (*Lampropeltis calligaster calligaster*).
- ~~(5)~~ (6) Black kingsnake (*Lampropeltis getula nigra*).
- ~~(6)~~ (7) Eastern milk snake (*Lampropeltis triangulum triangulum*).
- ~~(7)~~ (8) Red milk snake (*Lampropeltis triangulum sypila*).
- ~~(8)~~ (9) Bull snake (*Pituophis catenifer sayi*).
- ~~(9)~~ (10) A snake that is not on a state or federal endangered or threatened species list and with a color morphology that is:
  - (A) albinistic (an animal lacking brown or black pigment);
  - (B) leucistic (a predominately white animal); or
  - (C) xanthic (a predominately yellow animal);if it was not collected from the wild.

(f) Captive breeding stock other than a reptile described in subsection (e)(9) must be identified with an individually unique passive integrated transponder. A transponder must be implanted in each specimen. The type of transponder shall be approved by the commission. The imbedded transponder's code and other required information concerning the general health and condition of the animal must be provided on a departmental form, and be verified by a supervising veterinarian, within fourteen (14) days after obtaining the animal.

(g) A reptile held under this section must be confined in a cage or other enclosure that makes escape of the animal unlikely. Each animal must be provided with ample space and kept in a sanitary and humane manner. Animals and cages must be made available for inspection upon request by a conservation officer.

(h) Each animal possessed under this section must be lawfully acquired. No more than four (4) animals of each species described in subsection (e) may be collected annually from the wild. A receipted invoice, bill of lading, or other satisfactory evidence of lawful acquisition for animals not taken from the wild shall be presented to a conservation officer upon request. A person licensed under this section who collects an animal from the wild must document, on a departmental form, when and where the animal was collected. The animal must be fitted with a passive integrated transponder within fourteen (14) days of taking possession.

(i) A person licensed under this section must not possess an animal larger than the maximum sale length described in this subsection unless the animal is fitted with a transponder as part of the breeding stock of the person. Captive-bred offspring may only be sold before an individual attains the following total length:

- (1) Fifteen (15) inches for an eastern hognose snake.
- (2) Eighteen (18) inches for any of the following:
  - (A) A black rat snake.
  - (B) **A western ratsnake.**
  - ~~(B)~~ (C) A western fox snake.
  - ~~(C)~~ (D) A black kingsnake.
  - ~~(D)~~ (E) A prairie kingsnake.
  - ~~(E)~~ (F) An eastern milk snake. or
  - ~~(F)~~ (G) A red milk snake.

- (3) Twenty-eight (28) inches for a bull snake.

(j) A person licensed under this section must maintain accurate records on a calendar year basis on the number and disposition of breeding stock and captive breed young. The records shall include the species and number of animals captured, received, or sold and the birth dates of captive born animals. In addition, the records shall include the complete name and complete address of the person from whom an animal was purchased or to whom an animal was sold. The records shall be maintained at the place of business of the

license holder for at least two (2) years after the end of the license year. Upon request by a conservation officer, the license holder must make the records available for inspection.

(k) A person licensed under this section must not release to the wild a captive breeder or the offspring of a captive breeder. (*Natural Resources Commission; 312 IAC 9-5-9; filed Jul 9, 1999, 5:55 p.m.: 22 IR 3675; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Sep 23, 2004, 3:00 p.m.: 28 IR 545*)

SECTION 10. 312 IAC 9-10-4 IS AMENDED TO READ AS FOLLOWS:

**312 IAC 9-10-4 Game breeder licenses**

Authority: IC 14-22-2-6; IC 14-22-20

Affected: IC 14-22

Sec. 4. (a) An application for a license as a game breeder of one (1) or more of the following species of wild animals (common names are included for public convenience, but the scientific names control) shall be made on a departmental form:

- (1) Ring-necked pheasant (*Phasianus colchicus*)
- (2) Bobwhite quail (*Colinus virginianus*)
- (3) White-tailed Deer (*Odocoileus virginianus*)
- (4) Eastern cottontail rabbit (*Sylvilagus floridanus*).
- (5) Gray squirrel (*Sciurus carolinensis*)
- (6) Fox squirrel (*Sciurus niger*)
- (7) Southern flying squirrel (*Glaucomys volans*)
- (8) Beaver (*Castor canadensis*)
- (9) Coyote (*Canis latrans*)
- (10) Gray fox (*Urocyon cinereoargenteus*)
- (11) Red fox (*Vulpes vulpes*)
- (12) Mink (*Mustela vison*)
- (13) Muskrat (*Ondatra zibethicus*)
- (14) Opossum (*Didelphis marsupialis*)
- (15) Raccoon (*Procyon lotor*)
- (16) Striped skunk (*Mephitis mephitis*)
- (17) Long-tailed weasel (*Mustela frenata*)
- (18) Least weasel (*Mustela nivalis* or *Mustela rixosa*)

(b) An application for a permit license under this section must be made within five (5) days after the acquisition of an animal within Indiana or within five (5) days after the importation of an animal into Indiana. Each cage or enclosure will be inspected by a conservation officer before a license may be issued.

(c) A license holder may add a species to a game breeder license other than those identified in the application upon an inspection by a conservation officer and approval by the division of fish and wildlife. A conservation officer must be notified within five (5) days of acquisition of the new species.

(d) Each animal possessed under this section must be lawfully acquired. A receipted invoice, bill of lading, or other satisfactory evidence of lawful acquisition shall be presented for inspection upon the request of a conservation officer. Game or furbearing mammals or game birds, other than wild turkeys, lawfully taken in season may be retained alive after the close of the season. Any person wishing to import any live animal under this license, or the eggs of birds covered under this license, must secure a certificate of veterinary inspection from an accredited veterinarian in the state of origin before the animal is shipped into Indiana.

Documentation in the form of a copy of a valid game breeder license or valid dated receipt that establishes lawful acquisition or ownership must accompany any transportation of wild animals.

(e) A wild animal must be confined in a cage or other enclosure that makes escape of the animal unlikely and prevents the entrance of a free-roaming animal of the same species. The cage or enclosure shall be large enough to provide the wild animal with ample space for exercise and to avoid overcrowding. All chain link or welded wire edges shall be smoothly secured to prevent injury to the animals and be kept properly repaired. **The enclosure for white-tailed deer must have a perimeter fence consisting of at least a single eight (8) foot fence.** Night quarters, holding pens, and nesting boxes may not be used as primary housing. Fresh water, rainproof dens, nest boxes, windbreaks, shelters, shade, and bedding shall be provided as required for the comfort of the particular species of animal. Each animal shall be handled, housed, and transported in a sanitary and humane manner. An enclosure must be provided with sufficient drainage to prevent standing water from accumulating. The cages or other enclosures must be made available upon request for inspection by a conservation officer.

(f) No wild animals may be released except for bobwhite quail and ring-necked pheasants. Known diseased bobwhite quail and ring-necked pheasants may not be released. A license holder must report the escape of any white-tailed deer to a conservation officer within twenty-four (24) hours.

(g) A known diseased wild animal possessed under this section shall not be sold.

(h) A license holder must comply with all applicable state, local or other federal laws.

(i) A license holder shall do the following:

- (1) Record all ~~transactions~~ **additions and deletions to the inventory** ~~by which a~~ **for every** wild animal that is **born, died,** sold, traded, loaned, bartered or given to another person on a departmental form or computerized record.
- (2) Keep a copy of the ~~transaction record~~ **inventory** on the premises of the game breeder ~~for at least two (2) years after the transaction,~~ and a copy must be provided to a conservation officer upon request.
- (3) Issue a valid, dated receipt for all animals sold, traded, bartered or gifted and include the following information:
  - (A) Game breeder license number.
  - (B) Buyer and seller name and address.
  - (C) Number of animals sold.
  - (D) Species of animal sold.

**A copy of all of the receipts issued must be on the premises of the game breeder for at least two (2) years after the year of the transaction.**

(j) **A license expires on December 31 of the year the license is issued. The license holder must file an application with the division by February 15 of each year in order to renew the license. The annual report must accompany the renewal application.** ~~The license holder shall provide an annual report to the division by February 15.~~ The annual report shall include for each species possessed under this license the following information:

- (1) number bought.
- (2) number sold.
- (3) number born.
- (4) number traded.
- (5) number gifted.
- (6) number of deaths.

**(7) number on hand.**

(k) A conservation officer may enter the premises of the license holder at all reasonable hours to inspect those premises and any records relative to the license. The conservation officer shall immediately notify the license holder if the inspection reveals that the wild animals are being kept under unsanitary or inhumane conditions. The conservation officer may make a second inspection after ten (10) days, and the license may be suspended or revoked under IC 4-21.5 and the wild animals may be confiscated if the license holder fails to comply with a provision of the license.

(l) A license may be suspended, denied, or revoked under IC 4-21.5 if the license holder fails to comply with any of the following:

- (1) A provision of a license issued under this section.
- (2) IC 14-22-20.
- (3) All applicable state, local or other federal laws.

*(Natural Resources Commission; 312 IAC 9-10-4; filed May 12, 1997, 10:00 a.m.: 20 IR 2728; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Jan 26, 2004, 10:45 a.m.: 27 IR 1789)*